HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

FAMILY COURT APPEAL NO. 18 OF 2005.

Neelprabha D. Jadhav. ..Appellant.

VERSUS.

Dilip R. Jadhav. ..Respondent.

Mr. S.D.Patil for the appellants.

Mr. H.S.Murthy with Pallavi Dalvi for the respondent.

CORAM: S.B.MHASE &
D.B.BHOSALE, JJ.

DATE: FEBRUARY 28, 2005.

P.C.

1. Heard.

2. The Consent decree has been passed and the marriage has been dissolved. One of the condition in the said consent terms was that the wife should vacate the matrimonial home within a period of six weeks from the date of decree and she shall be eligible to have visitation rights to have access to two daughters, namely, Pallavi and Sayli. Learned counsel for the appellant is now making a grievance in respect of condition No.6 of the consent terms. Rest of the terms are accepted and there is no grievance about it. The learned counsel states that the appellant has not agreed to vacate the matrimonial home

within a period of six weeks, but she has agreed to vacate the said premises after these two daughters are married. Thus, according to him the fraud has been committed by the husband - respondent. We are not satisfied with this aspect. Because, had such consent term been arrived at between the parties then the provision of the access would not have been made in the said consent terms. Even if clauses 3 & 4 are looked into, it also clearly shows the intention of the parties-that after the decree of dissolution of marriage, within six weeks the appellant - wife has to vacate the suit premises. What we find that this is an after though effort of the wife to harras the husband who has paid the amount as per the consent decree. We do not find merits in the contentions raised by the appellant. The appeal is accordingly dismissed. Interim orders, if any, are hereby vacated.

(D.B.BHOSALE,J.) **(S.B.MHASE, J.)**

:srp/2005/